

## SENTENCES & PENALTIES SELECTED MV OFFENSES

### *N.J.S.A. 39:4-50(a) Driving While Intoxicated*

- *Person operates a motor vehicle or permits another to operate a motor vehicle*
- *While under the influence of intoxicating liquor, narcotic, or habit producing drug*
  - *Defined as: a substantial deterioration or diminution of the mental faculties or physical capabilities.*
  - *State may convict based solely on observation evidence of motorist.*
- *Or while the operator has a blood alcohol concentration*
  - *of 0.08% or more, but less than 0.10%*
  - *of 0.10% or more*

### *N.J.S.A. 39:4-50(g) Driving While Intoxicated In a School Zone*

- *Same elements as N.J.S.A. 39:4-50(a) PLUS:*
- *The violation occurs while:*
  - *On any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;*
  - *driving through a school crossing as defined in R.S. 39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or*
  - *driving through a school crossing as defined in R.S. 39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.*

<b>DWI</b> 39:4-50 <i>Oper. or Allowing</i>	<b>1st Offense</b> <i>Per Se 0.08% or more but less than 0.10% or operating under the influence of alcohol</i> 39:4-50(a)(1)(i.)	<b>1st Offense</b> <i>Per Se 0.10% or more of alcohol or drugs at any intoxicating level</i> 39:4-50(a)(1)(ii)	<b>2nd Offense</b> <i>Within 10 years of previous violation including foreign convictions</i> 39:4-50(a)(2)	<b>3rd OR</b> <b>Subsequent Offense</b> <i>Within 10 years of previous violation including foreign convictions</i> 39:4-50(a)(3)
<b>Fines</b>	\$250 - \$400	\$300 - \$500	\$500 - \$1000	\$1000
<b>Jail</b>	<i>In court's discretion, incarceration not exceeding 30 days</i>	<i>In court's discretion, incarceration not exceeding 30 days</i>	<i>Incarceration of not less than 48 consecutive hours to nor more than 90 days; 30 days community service</i>	<i>Incarceration not less than 180 days, except court may lower such term for each day, not exceeding 90 days, served in inpatient facility approved by IDRC</i>
<b>DL</b> <i>Revoke</i> <i>Suspend</i>	<i>Suspension 3 month</i>	<i>Suspension not less than 7 months, not more than 1 year</i>	<i>Suspension 2 years</i>	<i>Suspension 10 year</i>
<b>Revoke</b> <b>Suspend</b> <b>Under17</b>	<i>Suspension to run thru 17th birth date &amp; thereafter for 3 month</i>	<i>Suspension to run thru 17th birth date &amp; thereafter for not less than 7 months, not more than 1 year</i>	<i>Suspension to run thru 17th birth date &amp; thereafter for 2 years</i>	<i>Suspension to run thru 17th birth date &amp; thereafter for 10 years</i>
<b>Other \$</b> <b>Penalties</b>	<i>VCCB \$50 DDEF \$100 SNSF \$75 N.J.S.A. 39:4-50(i) \$ 100 Other mandatory fines under N.J.S.A. 39:5-41</i>	<i>VCCB \$50 DDEF \$100 SNSF \$75 N.J.S.A. 39:4-50(i) \$ 100 Other mandatory fines under N.J.S.A. 39:5-41</i>	<i>VCCB \$50 DDEF \$100 SNSF \$75 N.J.S.A. 39:4-50(i) \$ 100 Other mandatory fines under N.J.S.A. 39:5-41</i>	<i>VCCB \$50 DDEF \$100 SNSF \$75 N.J.S.A 39:4-50(i) \$ 100 Other mandatory fines under N.J.S.A. 39:5-41</i>
<b>Other</b> <b>Non \$</b> <b>Penalties</b> 39:4-50(h)	<i>May order participation in supervised visitation program as either a condition of probation or a form of community service (No differentiation based on per se BAC reading)</i>		<i>Court may order participation in supervised visitation program as either a condition of probation or a form of community service</i>	<i>Court may order participation in supervised visitation program as either a condition of probation or a form of community service, <u>AND</u></i>
<b>Comm</b> <b>Service</b>	<i>No community service for 1st offense</i>		<i>Shall serve 30 days 60 days in school zone 39:4-50(g)</i>	<i>No community service for 3rd or subsequent offense</i>

<p><b>DWI</b> 39:4-50 Oper. or Allowing</p>	<p><i>1st Offense</i> <i>Per Se 0.08% or more but less than 0.10% or operating under the influence of alcohol</i> 39:4-50(a)(1)(i.)</p>	<p><i>1st Offense</i> <i>Per Se 0.10% or more of alcohol or drugs at any intoxicating level</i> 39:4-50(a)(1)(ii)</p>	<p><i>2nd Offense</i> <i>Within 10 years of previous violation including foreign convictions</i> 39:4-50(a)(2)</p>	<p><i>3rd OR</i> <i>Subsequent Offense</i> <i>Within 10 years of previous violation including foreign convictions</i> 39:4-50(a)(3)</p>
<p><b>IDRC</b></p>	<p><i>12 to 48 hours IDRC &amp; satisfy the screening, evaluation &amp; referral requirements to be completed on 2 consecutive days of at least 6 hours each. If these requirements are not met, then mandatory 2-day term of imprisonment &amp; suspension DL until requirements are satisfied.</i> <i>(no differentiation based on per se BAC reading)</i></p>		<p><i>Subject to 39:4-50(b)</i> <i>Satisfy the screening, evaluation &amp; referral requirements of the IDRC. If requirements not met, then mandatory 2-day term of imprisonment &amp; suspension DL until requirements are satisfied.</i></p>	<p><i>Subject to 39:4-50(h)</i> <i>Satisfy the screening, evaluation &amp; referral requirements of the IDRC. If requirements not met, then mandatory 2-day term of imprisonment &amp; suspension DL until requirements are satisfied.</i> <i>Jail cannot be served in IDR Center</i></p>
<p><b>BAIID or Revoke Regis.</b></p>	<p><i>May order installation of an interlock device on every owned, leased or regularly operated vehicle for not less than 6 months to not more than 1 year after the expiration of the period of suspension.</i> <i>No registration revocation for first offense</i> <i>(No differentiation based on per se BAC reading)</i></p>		<p><i>Court shall order installation of ignition interlock device on every owned, leased or regularly operated vehicle for not less than 1 year to nor more than 3 years after the expiration of the period of suspension, <u>OR</u></i> <i>Court shall revoke registration certificate &amp; plates for 2 years</i> 39:3-40.1 (a)(1) [Corrected 6-6-05]</p>	<p><i>Court shall order installation of ignition interlock device on every owned, leased or regularly operated vehicle for not less than 1 year to nor more than 3 years after the expiration of the period of suspension, <u>OR</u></i> <i>Court shall revoke registration certificate &amp; plates for 10 years for a third or subsequent offense</i> 39:3-40.1 (a)(1) [Corrected 6-6-05]</p>

DWI in School Zone, N.J.S.A. 39:4-50(g)

<p><i>School Zone DWI 39:4-50(g) Oper. or Allowing</i></p>	<p><i>1st Offense Per Se 0.08% or more or operating under the influence of alcohol or drugs 39:4-50(a)(1)</i></p>	<p><i>2nd Offense Within 10 years of previous violation including foreign convictions 39:4-50(a)(2)</i></p>	<p><i>2nd Offense Within 10 years of previous violation including foreign convictions 39:4-50(a)(2)</i></p>
<p><i>Fines</i></p>	<p><i>\$500 - \$800 (no differentiation based on per se BAC reading) 39:4-50(g)</i></p>	<p><i>\$1,000 - \$2,000 39:4-50(g)</i></p>	<p><i>\$2,000 39:4-50(g)</i></p>
<p><i>Jail</i></p>	<p><i>Up to 60 days (no differentiation based on per se BAC reading)</i></p>	<p><i>Not less than 96 hours, with a maximum of 180 days. May reduce by 90 days with community service</i></p>	<p><i>Incarceration not less than 180 days, except court may lower such term for each day, not exceeding 90 days, served in inpatient facility approved by IDRC</i></p>
<p><i>Revoke Suspend</i></p>	<p><i>Suspension not less than 1 year not more than 2 years after period of incarceration Under 17 to run thru 17th birth date &amp; thereafter for not less than 1 year not more than 2 years (No differentiation based on per se BAC reading)</i></p>	<p><i>Suspension 4 years after period of incarceration Under 17 to run thru 17th birth date &amp; thereafter for 4 years</i></p>	<p><i>Suspension 20 years after period of incarceration Under 17 to run thru 17th birth date &amp; thereafter for 20 years</i></p>
<p><i>Comm Service</i></p>	<p><i>No community service for 1st offense</i></p>	<p><i>60 days in school zone</i></p>	<p><i>No community service for 3rd or subsequent offense</i></p>
<p><i>IDRC</i></p>	<p><i>12 to 48 hours IDRC &amp; satisfy the screening, evaluation &amp; referral requirements to be completed on 2 consecutive days of at least 6 hours each. If these requirements are not met, then mandatory 2-day term of imprisonment &amp; suspension DL until requirements are satisfied. (no differentiation based on per se BAC reading)</i></p>	<p><i>Satisfy the screening, evaluation &amp; referral requirements of the IDRC. If requirements not met, then mandatory 2-day term of imprisonment &amp; suspension DL until requirements are satisfied.</i></p>	<p><i>Satisfy the screening, evaluation &amp; referral requirements of the IDRC. If requirements not met, then mandatory 2-day term of imprisonment &amp; suspension DL until requirements are satisfied. Jail cannot be served in IDR Center</i></p>
<p><i>Other \$ Penalties</i></p>	<p><i>VCCB \$50 DDEF \$100 SNSF \$75 N.J.S.A. 39:4-50(i) \$ 100 Other mandatory fines under N.J.S.A. 39:5-41</i></p>	<p><i>VCCB \$50 DDEF \$100 SNSF \$75 N.J.S.A. 39:4-50(i) \$ 100 Other mandatory fines under N.J.S.A. 39:5-41</i></p>	<p><i>VCCB \$50 DDEF \$100 SNSF \$75 N.J.S.A. 39:4-50(i) \$ 100 Other mandatory fines under N.J.S.A. 39:5-41</i></p>

<p><i>School Zone DWI 39:4-50(g) Oper. or Allowing</i></p>	<p><i>1st Offense Per Se 0.08% or more or operating under the influence of alcohol or drugs 39:4-50(a)(1)</i></p>	<p><i>2nd Offense Within 10 years of previous violation including foreign convictions 39:4-50(a)(2)</i></p>	<p><i>2nd Offense Within 10 years of previous violation including foreign convictions 39:4-50(a)(2)</i></p>
<p><i>Other Non \$ Penalties 39:4-50(h)</i></p>	<p><i>May order participation in supervised visitation program as either a condition of probation or a form of community service (No differentiation based on per se BAC reading)</i></p>	<p><i>Court may order participation in supervised visitation program as either a condition of probation or a form of community service</i></p>	<p><i>Court may order participation in supervised visitation program as either a condition of probation or a form of community service, <u>AND</u></i></p>
<p><i>BAIID or Revoke Regis.</i></p>	<p><i>May order installation of an interlock device on every owned, leased or regularly operated vehicle for not less than 6 months to not more than 1 year after the expiration of the period of suspension. No registration revocation for first offense (No differentiation based on per se BAC reading)</i></p>	<p><i>Court shall order installation of ignition interlock device on every owned, leased or regularly operated vehicle for not less than 1 year to nor more than 3 years after the expiration of the period of suspension, <u>OR</u> Court shall revoke registration certificate &amp; plates for 2 years 39:3-40.1 (a)(1)</i></p>	<p><i>Court shall order installation of ignition interlock device on every owned, leased or regularly operated vehicle for not less than 1 year to nor more than 3 years after the expiration of the period of suspension, <u>OR</u> Court shall revoke registration certificate &amp; plates for 10 years 39:3-40.1 (a)(1)</i></p>

***REFUSAL TO SUBMIT TO CHEMICAL BREATH TESTING N.J.S.A. 39:4-50.4a.***

***N.J.S.A. 39:4-50.4a (2)(a) Refusal to Submit to Chemical Breath Test (as amended L.2004, c.8, effective 4-26-2004)***

- ***Every motorist who operates a motor vehicle in New Jersey deems consent to submit to a chemical breath test to determine blood alcohol content. N.J.S.A. 39:4-50.2 (Implied Consent Statute).***
- ***Conviction is based upon “preponderance,” standard of evidence***
- ***Conviction or administrative determination of violation of law of substantially similar nature, another jurisdiction is prior conviction.***

***N.J.S.A. 39:4-50.4a(2)(b) Refusal to Submit to Chemical Breath Test Driving When Operating in a School Zone***

- ***Same elements as N.J.S.A. 39:4-50.4(a) PLUS:***
- ***The violation occurs while:***
  - ***On any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board, or within 1,000 feet of such school property;***
  - ***driving through a school crossing as defined in R.S. 39:1-1 if the municipality, by ordinance or resolution, has designated the school crossing as such; or***
  - ***driving through a school crossing as defined in R.S. 39:1-1 knowing that juveniles are present if the municipality has not designated the school crossing as such by ordinance or resolution.***

DWI Refusal, N.J.S.A. 39:4-50.4a. (Non School Zone & School Zone Offenses)

<i>DWI Refusal, N.J.S.A. 39:4-50.4a.a.</i>			
<i>DWI Refusal 39:4-50.4a.a.</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd or subsequent Offense</i>
<i>Fine 39:4-50.4a(2)(a)</i>	<i>no less than \$300, no more that \$500</i>	<i>no less than \$500, no more than \$1,000</i>	<i>\$1,000 fine</i>
<i>DL Revoke/Suspend 39:4-50.4a(2)(a)</i>	<i>Suspension not less than 7 months, not more than 1 year Revocation/suspension to be concurrent or consecutive to suspension for 39:4-50 arising from same incident</i>	<i>2 year driver's license suspension to be consecutive to any revocation for 39:4-50</i>	<i>10 year driver's license suspension to be consecutive to any revocation for 39:4-50</i>
<i>Other \$ Penalties</i>	<i>DDEF \$100 Other mandatory fines under N.J.S.A. 39:5-41</i>	<i>DDEF \$100 Other mandatory fines under N.J.S.A. 39:5-41</i>	<i>DDEF \$100 Other mandatory fines under N.J.S.A. 39:5-41</i>
<i>IDRC</i>	<i>referral to IDRC</i>	<i>referral to IDRC</i>	<i>referral to IDRC</i>

<i>DWI Refusal in a School Zone, N.J.S.A. 39:4-50.4a.b.</i>			
<i>DWI Refusal in a School Zone 39:4-50.4a.b.</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd or subsequent Offense</i>
<i>Fine - School Zone 39:4-50.4a(2)(b)</i>	<i>no less than \$600, no more than \$1,000</i>	<i>No less than \$1,000, no more than \$2,000</i>	<i>\$2,000</i>
<i>DL Revoke/Suspend - School Zone 39:4-50.4a(2)(b)</i>	<i>DL Suspension not less than 1 year, not more than 2 years To run consecutively or concurrent with any suspension for DWI, at the discretion of the court</i>	<i>4 years suspension DL</i>	<i>20 year suspension DL</i>
<i>Other \$ Penalties</i>	<i>DDEF \$100 Other mandatory fines under N.J.S.A. 39:5-41</i>	<i>DDEF \$100 Other mandatory fines under N.J.S.A. 39:5-41</i>	<i>DDEF \$100 Other mandatory fines under N.J.S.A. 39:5-41</i>

<i>DWI Refusal in a School Zone 39:4-50.4a.b.</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd or subsequent Offense</i>
<i>IDRC</i>	<i>referral to IDRC</i>	<i>referral to IDRC</i>	<i>referral to IDRC</i>



Operate a Vessel While Intoxicated (OVWI) N.J.S.A. 12:7-46

<i>OVWI 12:7-46</i>	<i>1st Offense Per Se 0.08% or more but less than 0.10% or operating under the influence of alcohol</i>	<i>1st Offense Per Se 0.10% or more of alcohol or under the influence of drugs</i>	<i>2nd Offense</i>	<i>3rd or subsequent Offense</i>
<i>Fine</i>	<i>\$250</i>	<i>\$300 to \$500</i>	<i>\$500 to \$1,000</i>	<i>\$1,000</i>
<i>Jail</i>			<i>Not less than 48 hours, nor more than 90 days</i>	<i>Not less than 180 days, Court can reduce for up to 90 days Comm. Serv.</i>
<i>Suspend/Revoke DL</i>	<i>3 months</i>	<i>7 months to 1 year</i>	<i>2 years</i>	<i>10 years</i>
<i>Suspend/Revoke Vessel Privilege</i>	<i>1 year</i>		<i>2 years</i>	<i>10 years</i>
<i>Comm Serv.</i>			<i>30 days</i>	<i>Up to 90 days, discretion of Court</i>
<i>Other Penalties</i>	<i>VCCB \$50</i>	<i>VCCB \$50</i>	<i>VCCB \$50</i>	<i>VCCB \$50</i>
<i>IDRC</i>	<i>Referral to IDRC</i>	<i>Referral to IDRC</i>	<i>Referral to IDRC</i>	<i>Referral to IDRC</i>
<i>Boat Safety Course 12:7-46e</i>	<i>Required attendance</i>	<i>Required attendance</i>	<i>Required attendance</i>	<i>Required attendance</i>
<i>Operator under 17 years old 12:7-46d</i>	<i>Suspension driving privilege until age 17 PLUS 3 months, unless there is prior Title 39 suspension, then suspension begins at end of Title 39 suspension.</i>		<i>Suspension driving privilege until age 17 PLUS 6 months, unless there is prior Title 39 suspension, then suspension begins at end of Title 39 suspension.</i>	<i>Suspension driving privilege until age 17 PLUS 2 years, unless there is prior Title 39 suspension, then suspension begins at end of Title 39 suspension.</i>

<i>OVWI Refusal 12:7-57</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd or Subsequent Offense</i>
<i>Fine 12:7-57a</i>	<i>\$300 to \$500</i>	<i>\$500 to \$1,000</i>	<i>\$1,000</i>
<i>Revoke/Suspend Vessel Privilege 12:7-57a</i>	<i>1 year</i>	<i>2 years</i>	<i>10 years</i>
<i>DL Revoke/Suspend 12:7-55a</i>	<i>7 months to 1 year</i>	<i>2 years</i>	<i>10 years</i>
<i>IDRC 12:7-57c</i>	<i>Referral to IDRC</i>	<i>Referral to IDRC</i>	<i>Referral to IDRC</i>
<i>Boat Safety Course 12:7-57e</i>	<i>Required attendance</i>	<i>Required attendance</i>	<i>Required attendance</i>

- *Person shall not operate a Commercial Motor vehicle (GVWR 26,001 lbs or more)*
- *With an alcohol concentration of 0.04% or more (N.J.S.A. 39:3-10.11 definition “Alcohol Concentration”)*
- *Or while under the influence of a controlled substance*
- *Merger of offense with a violation of N.J.S.A. 39:4-50 DWI or N.J.S.A. 39:4-50.2 DWI Refusal is prohibited, N.J.S.A. 39:3-10.20i.*

<b>CDL/DWI Offense</b> <b>39:3-10.20</b> <i>In addition to any other penalty for a violation of specified MV offenses*</i>	<b>1 st Offense</b>	<b>1st Offense While Transporting Haz Mat or displaying Haz Mat placard</b>	<b>2nd or subsequent Offense for any violation 39:3-10.20a or combination from 2 or more separate incidences</b>
<b>CDL Endorsement Suspended</b>	<b>1 to 3 years</b> <b>39:3-10.20a</b>	<b>3 years</b> <b>39:3-10.20b</b>	<b>For life</b> <b>39:3-10.20c</b>
<b>CDL Endorsement Revocation</b> <b>39:3-10.20e</b>	<b>For life if a CMV used in commission of a crime involving manufacture, distribution or dispensing CDS or analog, or possession with intent to manufacture, distribute or dispense CDS or analog</b>		
<b>CDL Endorsement Suspension For Serious Traffic violations,</b> <b>39:3-10.11 **</b> <b>39:3-10.20f</b>	<b>Not less than 60 days from separate incidents within 3 year period</b>		<b>120 days from separate incidents within 3 year period</b>

\* *The specified MV offenses under N.J.S.A. 39:3-10.20a. for which penalties are imposed in addition to any other penalty are: (1) DWI in CMV, N.J.S.A. 39:4-50 or 39:3-10.13; (2) leaving scene in a CMV, N.J.S.A. 39:4-129; (3) using a CMV in commission of any crime as defined at N.J.S.A. 2C:1-4a, c, or d; (4) refusal to submit to chemical breath tests, N.J.S.A. 39:4-50.2 or 39:3-10.24; violation of N.J.S.A. 39:3-10.18(b)(1).*

\*\* *A serious Traffic violation, is defined at N.J.S.A. 39:3-10.11 as: (a) excessive speeding at speed of 15 or mph above speed limit; (b) reckless driving, including, but not limited to, driving a CMV “in willful or wanton disregard of the safety of person or property, including violations of N.J.S.A. 39:4-96”; (c) Improper or erratic traffic lane changes; (d) Following too closely, including violations of N.J.S.A. 39:4-89; (e) a violation arising in connection with a fatal accident, of laws relating to motor vehicle traffic control, other than parking; (f) any other violation of State or local law relating to motor vehicle traffic as determined by the Secretary of USDOT at 49 C.F.R. §383.5 as a serious traffic violation.*

*N.J.S.A. 39:3-10.24f Refusal to Submit to Chemical Breath Test*

- *Every motorist who operates a commercial motor vehicle in New Jersey deems consent to submit to a chemical breath test to determine blood alcohol content. N.J.S.A. 39:3-10.24f (Implied Consent Statute).*
- *Conviction is based upon “preponderance,” standard of evidence*
- *Penalties are in addition to any penalties imposed under N.J.S.A. 39:3-10.20*

<i>CDL/DWI Refusal 39:3-10.24f Penalties in addition to any penalties imposed under 39:3-10.20</i>	<i>1st offense</i>	<i>2nd or subsequent offense</i>
<i>Fine</i>	<i>\$250 to \$500</i>	
<i>DL suspend/revoked</i>	<i>6 months</i>	<i>2 years</i>
<i>IDRC</i>	<i>Referral to IDRC</i>	<i>Referral to IDRC</i>

*Related Motor Vehicle Alcohol Offenses*

<i>Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>
<i>Operation with BAC 0.01 - 0.08 under 21 N.J.S.A. 39:4-50.14</i>	<i>Revocation of Licence for 30-90 days Commencing on conviction or date of eligibility whichever later. Community Service 15-30 days IDRC *</i>	
<i>Consumption of Alc. by Operator or Passenger N.J.S.A. 39:4-51a</i>	<i>\$ 200 Fine</i>	<i>\$ 250 Fine or 10 days Community Service</i>
<i>Open Container Operator or Passenger N.J.S.A. 39:4-51b</i>	<i>\$ 200 Fine</i>	<i>\$ 250 Fine or 10 days Community Service</i>
<i>Operating a motor vehicle while in Possession of CDS N.J.S.A. 39:49.1</i>	<i>Not less than \$50 Mandatory drivers licence suspension for 2 years</i>	
<i>Operation while intoxicated with a minor in vehicle N.J.S.A. 39:4-50.15 **</i>	<i>Disorderly Persons Offense (Up to 6 months incarceration and up to \$1,000 fine) Drivers licence suspension for not more than 6 months an up to 5 days of community service</i>	
<i>Mandatory forfeiture or postponement of driving privileges for minors adjudged delinquent for drug charges N.J.S.A. 2C:35-16</i>	<i>6 months to 2 years commencing on date of imposition of sentence or the 17th birthday, whichever is later.</i>	<i>6 months to 2 years commencing on date of imposition of sentence or the 17th birthday, whichever is later. Suspension shall commence after any period of suspension or postponement currently being served for a previous drug violation</i>

\* *Penalties apply in addition to N.J.S.A. 2C:33-15 (underage possession of alcoholic beverages), N.J.S.A. 33:1-81 (purchase of an alcoholic beverage by an underage person), and N.J.S.A. 39:4-50 (DWI) violations.*

\*\* *Defendant may also be charged under N.J.S.A. 2C: 24-4 (Endangering Welfare of Children)*

<i>Drive while suspended - DWI 39:3-40(f)(2)</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd or subsequent Offense</i>
<i>Fine</i>	<i>\$500 39:3-40(a), plus \$500 fine 39:3-40(f)(2)</i>	<i>\$750 39:3-40(a), plus \$500 fine 39:3-40(f)(2)</i>	<i>\$1000 39:3-40(a), plus \$500 fine 39:3-40(f)(2)</i>
<i>Fine - School Zone</i>	<i>\$500 39:3-40(a), plus \$500 fine 39:3-40(f)(2), plus \$500 39:3-40(f)(3)</i>	<i>\$750 39:3-40(a), plus \$500 fine 39:3-40(f)(2), plus \$500 39:3-40(f)(3)</i>	<i>\$1000 39:3-40(a), plus \$500 fine 39:3-40(f)(2), plus \$500 39:3-40(f)(3)</i>
<i>DL Revoke Suspend</i>	<i>Up to 6 mo. 39:3-40(a), plus 12 mo. - 24 mo. additional 39:3-40(f)(2)</i>	<i>Up to 6 mo. 39:3-40(a), plus 12 mo. - 24 mo. additional 39:3-40(f)(2)</i>	<i>Up to 6 mo. 39:3-40(a), plus 12 mo. - 24 mo. additional 39:3-40(f)(2)</i>
<i>DL Revoke Suspend for School Zone</i>	<i>12 month - 30 month driver's license suspension (1 to 2 years after any incarceration)</i>	<i>12 month - 30 month driver's license suspension (1 to 2 years after any incarceration)</i>	<i>12 month - 30 month driver's license suspension (1 to 2 years after any incarceration)</i>
<i>Registration Suspension N.J.S. 39:3-40.1</i>	<i>Suspension of registration on all owned or leased vehicles</i>	<i>Suspension of registration on all owned or leased vehicles (If within 5 years of 39:3-40 conviction, registration suspended for the same time as drivers licence)</i>	<i>Suspension of registration on all owned or leased vehicles (If within 5 years of 39:3-40 conviction, registration suspended for the same time as drivers licence)</i>
<i>Incarceration</i>	<i>10-90 days incarceration</i>	<i>Up to 5 days 39:3-40 (b) 10-90 days incarceration 39:3-40 (f)(2) If the offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for the previous offense.</i>	<i>Up to 10 days 39:3-40 (c) 10-90 days incarceration 39:3-40 (f)(2) If the offense involves a motor vehicle moving violation, then imprisonment for 10 days longer than the term of imprisonment for the previous offense.</i>
<i>Incarceration School Zone</i>	<i>10-90 days incarceration 39:3-40 (f)(2) 60-90 days incarceration 39:3-40(f)(3)</i>	<i>Up to 5 days 39:3-40 (b) 10-90 days incarceration 39:3-40 (f)(2) 120-150 days incarceration 39:3-40(f)(3)</i>	<i>Up to 10 days 39:3-40 (c) 10-90 days incarceration 39:3-40 (f)(2) 180 days incarceration 39:3-40(f)(3)</i>

<i>Drive while suspended - DWI 39:3-40(f)(2)</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd or subsequent Offense</i>
<i>DL Revoke Suspend Under17</i>	<i>revocation of registration certificate for the period driver's license is suspended</i>	<i>revocation of registration certificate for the period driver's license is suspended</i>	<i>revocation of registration certificate for the period driver's license is suspended</i>

*Penalties reflect inclusion of the penalties for a violation of N.J.S.A. 39:3-40 (a) through (e). The Administrative Office of the Courts have adopted this position in issuing the Minimum Mandatory Fines and Penalties schedule issued on August 9, 2004.*

*Note: The fines and penalties set forth in N.J.S.A. 39:3-40(f)(1)-(3) are imposed “notwithstanding” the general penalty provisions listed above. This chart is based on the assumption that the fines and penalties set forth in N.J.S.A. 39:3-40(f)(1)-(3) are in addition to those found in N.J.S.A.39:3-40(a)-(e). This reading of the statute is suggested by State v. Wrotny, 221 N.J. Super. 226, 228-30 (App. Div. 1987), though Wrotny does not explicitly hold as much. For a contrary reading of N.J.S.A. 39:3-40(f)(1)-(3), see State v. Walsh, 236 N.J. Super. 151, 155 (Law Div. 1989), and State v. Rought, 221, N.J., Super. 42, 47 (Law Div. 1987), which both held that the fines and the penalties of 39:3-40(f)(1)-(3) are a substitute for those provided by N.J.S.A. 39:3-40(a)-(e). Before imposing sentence for a conviction of N.J.S.A. 39:3-40(f)(1)-(3), please consult these cases and any other relevant cases decided after the date of this chart. (The Administrative Office of the Courts have adopted this position in issuing the Minimum Mandatory Fines and Penalties schedule issued on August 9, 2004.)*

*N.J.S.A. 39:4-52 Racing on Highway*

- *Prohibits the operation of a motor vehicle on a public highway*
  - *for a wager*
  - *or in a race*
  - *or for the purpose of making a speed record*
- *First Offense:           \$25-\$100 fine*
- *Second Offense:       \$100-\$200 fine*

*N.J.S.A. 39:5C-1 Racing or Making Speed Records*

- *D.P. offense for person to operate or attempt, or agree to operate a motor vehicle on a public highway*
  - *in a race with any other motor vehicle*
  - *or for the purpose of making a speed record*
- *D.P. offense for person to*
  - *arrange for*
  - *manage*
  - *encourage*
  - *or assist in the holding of*
  - *or attempt to hold any such race or speed race event*
- *First Offense:           \$25-\$100 fine*
- *Second Offense:       \$100-\$200 fine or 90 days incarceration or both.*

*Related Offenses*

- N.J.S.A. 39:4-96       Reckless Driving*
- N.J.S.A. 39:4-97       Careless Driving*
- N.J.S.A. 39:4-98       Speeding*
- N.J.S.A. 39:4-129     Leaving the Scene of an Accident*
- N.J.S.A. 2C:11-5       Death by Vehicular Homicide*
- N.J.S.A. 2C:11-5.1    Leaving the Scene of a Motor Vehicle Accident (Fatal)*
- N.J.S.A. 2C:12-1(c)   Assault by Auto*



*N.J.S.A. 2C:12-1.1 Leaving the Scene of a Motor Vehicle Accident (Serious Bodily Injury)*